

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOHN ABDO, JR.,	)	
	)	
Petitioner,	)	
	)	
-vs-	)	Case No. CIV-23-725-F
	)	
OKC PAROLE OFFICE, et al.,	)	
	)	
Respondents.	)	

**ORDER**

On September 11, 2023, United States Magistrate Judge Amanda Maxfield Green issued a Report and Recommendation, recommending this habeas action, pursuant to 28 U.S.C. § 2254, be dismissed without prejudice to re-filing, pursuant to Rule 41(b), Fed. R. Civ. P.,<sup>1</sup> for petitioner John Abdo, Jr.’s failure to comply with the court’s order entered on August 18, 2023. Magistrate Judge Green advised petitioner of his right to file an objection to the Report and Recommendation by October 2, 2023, and specifically advised that failure to make a timely objection waives his right to appellate review of both factual and legal issues contained in the Report and Recommendation.

To date, petitioner has not filed an objection to the Report and Recommendation. The records reflects that the Report and Recommendation was

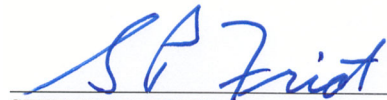
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<sup>1</sup> See, Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts (“The Federal Rules of Civil Procedure, to the extent that they are not inconsistent with any statutory provisions or these rules, may be applied to a proceeding under these rules.”); *see also*, DeAtley v. Williams, 782 Fed. Appx. 736, 737 (10<sup>th</sup> Cir. 2019) (affirming dismissal of § 2254 habeas petition under Rule 41(b)), *cert. denied*, 140 S.Ct. 2794 (2020) (unpublished Tenth Circuit decision cited as persuasive under 10<sup>th</sup> Cir. R. 32.1(A)).

returned undelivered. However, as the Report and Recommendation was sent to the last known address provided by petitioner, it is “deemed delivered” under the court’s Local Civil Rules. *See*, LCvR5.4. With no timely objection being filed to the Report and Recommendation, the court accepts, adopts, and affirms the Report and Recommendation.

Accordingly, the Report and Recommendation (doc. no. 5) issued by United States Magistrate Judge Amanda Maxfield Green on September 11, 2023 is **ACCEPTED, ADOPTED**, and **AFFIRMED**. This 42 U.S.C. § 2254 habeas action is **DISMISSED WITHOUT PREJUDICE** to re-filing, pursuant to Rule 41(b), Fed. R. Civ. P., for petitioner John Abdo, Jr.’s failure to comply with the court’s order. A certificate of appealability is **DENIED**.

DATED this 3<sup>rd</sup> day of October, 2023.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE